

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

1. CHRISTOPHER PERKINS, and)	
2. DEBBIE JORDAN,)	
)	
Plaintiffs,)	
)	
v.)	CASE NO. <u>CIV-13-1129-R</u>
)	
1. LXE COUNSELING, LLC,)	
)	
Defendants.)	

SECOND AMENDED COMPLAINT

For its Complaint, the Plaintiffs, Christopher Perkins (“Perkins”) and Debbie Jordan (“Jordan”) allege:

JURISDICTION AND VENUE

1. This court has jurisdiction pursuant to the False Claims Act, 31 U.S.C. § 3732, and 28 U.S.C. §§ 1331, 1345, and 1367.

2. Defendant conducted business and presented or caused to be presented false or fraudulent claims in this district and received proceeds from those false or fraudulent claims; therefore, venue is proper in the United States District Court for the Western District of Oklahoma under 28 U.S.C. § 1391(b) and 31 U.S.C. § 3732.

THE PARTIES

3. As to the Retaliation claims stated herein, Plaintiffs are Relator Christopher Perkins (“Perkins”), and Relator Debbie Jordan (“Jordan”)(collectively, “Plaintiffs”).

4. Defendant LXE Counseling, LLC (“LXE”) (i) is organized and domiciled in the State of Oklahoma; (ii) conducts business throughout the State of Oklahoma, including

within the geographic jurisdiction of the United States District Court for the Western District of Oklahoma; and (iii) is the former employer of Perkins and Jordan.

THE FEDERAL FALSE CLAIMS ACT

The allegations set forth in paragraphs 1-4 are hereby incorporated as if fully set forth herein.

5. The False Claims Act (“FCA”; 31 U.S.C. § 3729-3731) provides, *inter alia*, employees, contractors, and/or agents who are discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against because of lawful acts done in furtherance of an action under or to stop violations of the FCA are entitled to relief for such damages, including reinstatement, two times the amount of back pay, interest on the back pay, and compensation for any special damages sustained as a result of the discrimination, including litigation costs and reasonable attorneys’ fees. 31 U.S.C. § 3730(h).

COUNT I – RETALIATION UNDER THE FALSE CLAIMS ACT

The allegations set forth in paragraphs 1-5 are hereby incorporated as if fully set forth herein.

6. This is a claim for retaliation against Plaintiffs under the False Claims Act, including a claim for all damages and remedies provided therein. 31 U.S.C. § 3729 *et seq.*

7. Plaintiffs have alleged that Defendants knowingly presented or caused to be presented false or fraudulent Claims to the United States for payment or approval in violation of, *inter alia*, 31 U.S.C. § 3729(a)(1)(A) and (B).

8. During her employment with LXE at various dates and times, Jordan questioned to one or more of Defendants' management and/or owners regarding the propriety of Defendant's actions Jordan believed were in violation of the FCA.

9. In violation of 31 U.S.C. § 3730(h), subsequent to Jordan's questioning, Defendant through one or more of its agents and/or owners retaliated against Jordan by significantly reducing the number of patients Jordan had assigned to her, with said patients being reassigned to other providers so as to significantly reduce Jordan's ability to exercise her skills, knowledge, training and experience, and to significantly reduce Jordan's income and ability to earn an income.

10. As a result of Defendant's actions in retaliation against Jordan in violation of 31 U.S.C. § 3730(h), Jordan has suffered and continues to suffer from a significant loss in income.

11. During his employment with LXE at various dates and times, Perkins questioned to one or more of Defendant's management and/or owners regarding the propriety of Defendant's actions Perkins believed were in violation of the FCA.

12. In violation of 31 U.S.C. § 3730(h), subsequent to Perkins questioning, Defendant through one or more of its agents and/or owners retaliated against Perkins by removing from him access to patient medical records necessary for his job performance, by eliminating responsibilities from his job duties which required access to patients medical records, and by decreasing his pay, all of which provided him no reasonable option but to be constructively terminated as manifest by his resignation, the result of which is his since having suffered and continuing to suffer from a significant loss in income.

13. As a result of Defendant's actions in retaliation against Perkins in violation of 31 U.S.C. § 3730(h), Perkins has suffered and continues to suffer from a significant loss in income.

14. Pursuant to Rule 38 of the Federal Rules of Civil Procedure, the Plaintiffs hereby demand trial by jury.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiffs demand and pray that judgment be entered in favor of the Plaintiffs and against the Defendant as follows:

1. For the full amount of damages as prescribed by the False Claims Act for Retaliation;
2. For all costs and attorney fees of this civil action; and
3. For such other relief as this Court deems just and equitable.

Respectfully submitted,

s/ Wayne Allison

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CERTIFICATE OF SERVICE

I hereby certify that on December 6, 2015, I electronically transmitted the attached document to the Clerk of Court using the ECF System. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants:

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